



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

using a form of words in common mercantile use in one of the countries, the law of that country is the one by which they are interpreted. *London Assurance v. Companhia de Moagens*, 167 U. S. 149. The issue in each instance is what the words meant to the person from whom they emanated, and this it seems is usually solved by the law of the speaker's domicile.

CONFLICT OF LAWS — CORPORATIONS — POWER OF COURT TO DECREE ASSESSMENTS UPON FOREIGN POLICY-HOLDERS IN DOMESTIC CORPORATIONS. — A New York railway took out policies of mutual casualty insurance in a Pennsylvania corporation. The rate of premium was fixed subject to a power in the directors of the insurer to levy an additional *pro rata* assessment. Upon the insolvency of the corporation, the Pennsylvania court decreed a fixed assessment upon all policy-holders. The receiver sued the defendant in New York for the amount of the assessment. *Held*, that the plaintiff can recover. *Stone v. Penn Yan, K. P. & B. Ry.*, 90 N. E. 843 (N. Y.).

The question at issue was the propriety of the procedure by which the defendant's obligation was enforced. A judgment without personal jurisdiction cannot have extra-territorial force. Cf. *Pennoyer v. Neff*, 95 U. S. 714. The procedure adopted in the principal case is analogous to that frequently employed to enforce a statutory liability against non-resident stockholders of a corporation. *Casey v. Galli*, 94 U. S. 673; *Bernheimer v. Converse*, 206 U. S. 516. A bill in equity is brought against the corporation in its home state by creditors. In this action the court investigates the assets and liabilities of the corporation and fixes the assessment which shall be made upon the stockholders. The decree does not purport to bind any stockholder individually. Thereafter the receiver must sue the stockholder separately in the state of his domicile. The latter may deny that he is a stockholder, or plead other defenses such as the statute of limitations of the forum. *Great Western Telegraph Co. v. Purdy*, 162 U. S. 329. But he cannot question the amount of the assessment. *Howarth v. Lombard*, 175 Mass. 570; *Bernheimer v. Converse, supra*. By voluntarily assuming an obligation in a foreign state, the stockholder — and in the present case the insured — consents to have the extent of the obligation determined by that state. See 23 HARV. L. REV. 37.

CONFLICT OF LAWS — LEGITIMACY AND ADOPTION — LEGITIMATION SUBSEQUENT TO BIRTH. — A New York man deserted his wife and purported to marry a New Jersey woman who bore him two children. Thereafter he became domiciled with his family in Michigan, there obtained a divorce from his New York wife by default without personal service, and went through a second marriage ceremony with the New Jersey woman. By Michigan law illegitimate children became legitimate by the subsequent marriage of their parents. The children claimed New York realty under a devise as the "lawful issue" of their father. A decree of the New York court denied recognition to the Michigan divorce and second marriage. *Held*, that the federal Constitution does not require New York to recognize the children as lawful issue. *Olmsted v. Olmsted*, U. S. Sup. Ct., Feb. 21, 1910.

For a criticism of this case in the state court, see 20 HARV. L. REV. 400.

CONFLICT OF LAWS — OBLIGATIONS EX DELICTO: CREATION AND ENFORCEMENT — STATUTE GIVING PERSONAL REPRESENTATIVE RIGHT TO SUE FOR DEATH BY WRONGFUL ACT. — X, domiciled in New Jersey, was killed by the negligence of the defendant, a New Jersey corporation. The plaintiff was appointed administrator in New York solely for the purpose of bringing suit in the New York courts. The New Jersey statute gives a right of action for death by wrongful act to the personal representative of the deceased. *Held*, that, inasmuch as there was no *bona fide* administration in New York, the New York courts will not entertain jurisdiction. *Pietraroia v. New Jersey and Hudson River Ry. & Ferry Co.*, 42 N. Y. L. J. 2123 (N. Y., Ct. App., Feb. 8, 1910). See NOTES, p. 554.